

BakerHostetler

Baker&Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111

T 212.589.4200
F 212.589.4201
www.bakerlaw.com

Marc E. Hirschfield
direct dial: 212.589.4610
mhirschfield@bakerlaw.com

May 1, 2015

VIA ECF AND VIA FEDEX

The Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: Picard v. Estate of Syril Seiden, et al.; Adv. Pro. No. 10-04739

Dear Judge Bernstein:

We represent Irving H. Picard, as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated estate of Bernard L. Madoff individually, in the above-referenced adversary proceeding (the “Action”). The Action seeks the return of \$1,145,000.00 in fictitious profits. The Action is governed by the Litigation Case Management Procedures for Avoidance Actions (Docket No. 3141) (the “Avoidance Procedures”).

By way of background, the Trustee initially sued Ms. Syril Seiden, the BLMIS accountholder. Upon learning of Ms. Seiden’s passing, the Trustee amended the complaint to include Ms. Seiden’s estate and its executor, Mr. Stuart Seiden (collectively, the “Defendants,” and along with the Trustee, the “Parties”). The Defendants answered the Trustee’s amended complaint on October 7, 2011 and subsequently moved to withdraw the reference on March 30, 2012. After all relevant issues were adjudicated by the District Court, and the Action was returned to the Bankruptcy Court, the Parties engaged in extensive discovery. Discovery closed on February 16, 2015.

As per the Avoidance Procedures, this Action was referred to mediation on April 20, 2015. Unfortunately, counsel for the Trustee and defendants have been unable to agree on a mediator for this Action. Thus, pursuant to section 5(C) of the Avoidance Procedures, and section 2.2(A) of General Order M-390, we respectfully request that Your Honor appoint a mediator.

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Please feel free to contact us with any questions in connection with the foregoing or otherwise.

Respectfully submitted,

s/ Marc E. Hirschfield

Marc E. Hirschfield

cc: Leonardo D'Alessandro, Esq.
Oren J. Warshavsky, Esq.
Elyssa S. Kates, Esq.
Jessie A. Kuhn, Esq.